



"upon the appeal the case shall be tried anew as if no judgment had been rendered \* \* \* \*." In the limited time at our disposal we have been unable to ascertain what the statutes of Ohio provide as to trials *de novo*, but since it is well-nigh the universal custom to try anew cases appealed from inferior courts it is doubtless safe to assume that this is the procedure in Ohio.

## APPENDIX

North Carolina Public-Local Laws of 1933, Chapter 342:

### "AN ACT TO REGULATE THE COSTS IN CRIMINAL ACTIONS IN COURTS OF JUSTICES OF THE PEACE FOR RICHMOND COUNTY.

*"The General Assembly of North Carolina do enact:*

"SECTION 1. That upon conviction of any person in a Justice of the Peace or Mayor's Court in Richmond County there shall be taxed against the defendant the following costs and no more:

"(a) A process fee of two dollars and fifty cents (\$2.50) for the use and benefit of the officer making the arrests and serving all processes.

"(b) A fee of two dollars (\$2.00) for the use and benefit of the trial justice or Mayor; *Provided*, that in cases of removal from one Justice to another the said amount shall be prorated between them.

"(c) For each witness offered by the State, not to exceed two, fifty cents (50c), and for each witness subpoenaed by the defendant, a fee of fifty cents (50c).

"(d) Jail fees at the rate fixed by the County Commissioners, but not to exceed the sum of seventy-five cents (75c) per day.

"SEC. 2. (a) If the defendant is sentenced to jail to be assigned to the roads for non-payment of the costs, the

County shall pay one-half the fees hereinbefore set forth to the Mayor or Justice of the Peace and officer serving the processes; *Provided*, that the County shall not be liable for or pay to any Justice of the Peace or Mayor a sum in excess of ten dollars (\$10.00) per month for cases in which he has final jurisdiction.

“(b) That upon appeal by the defendant from the justice’s court or mayor’s court to a higher court, or if the defendant be bound over to any higher court for trial, such costs as hereinbefore provided shall be charged upon the warrant, and if paid shall accrue to the use and benefit of the persons entitled thereto, and if the defendant do not pay the costs, the County shall pay one-half the costs assessed by such Justice of the Peace or Mayor to the persons entitled to the same; *Provided*, that the county shall not be liable for witness and mileage fees of witnesses for the defendant.

“SEC. 3. That if any Justice of the Peace or Mayor or other officer shall collect any fees other than set forth herein or in excess of the sums set forth herein, he shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

“SEC. 4. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

“SEC. 5. That this act shall be and remain in full force and effect from and after June first, nineteen hundred and thirty-three.

“Ratified this the 18th day of April, A.D., 1933.”

North Carolina Public-Local Laws of 1935, Chapter 358:

"AN ACT TO AMEND CHAPTER THREE HUNDRED FORTY-TWO OF PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE RELATING TO THE COST IN CRIMINAL ACTION IN THE COURTS OF THE JUSTICE OF THE PEACE IN RICHMOND COUNTY.

*"The General Assembly of North Carolina do enact:*

"SECTION 1. That Chapter three hundred and forty-two of Public-Local Laws of one thousand nine hundred and thirty-three be and the same is hereby amended as follows:

"Strike out the *proviso* in subsection A of Section two and insert in lieu thereof the following: '*Provided, that the County shall not be liable for or pay to any Justice of the Peace or Mayor a sum in excess of five dollars per month for cases in which he has final jurisdiction: Provided further, That the County shall not be liable for nor pay to any lawful officer any sum in excess of fifteen dollars per month for cases in which such officer was the actual arresting officer.*'

"SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

"SEC. 3. This act shall be in full force and effect from and after its ratification.

"Ratified this the 24th day of April, A.D., 1935."